



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,018	11/16/2000	Harry Thomas Kloor	18822-11	5553
34205 7590 05/28/2009 OPPENHEIMER WOLFF & DONNELLY LLP 45 SOUTH SEVENTH STREET, SUITE 3300 MINNEAPOLIS, MN 55402				
EXAMINER				
THEIN, MARIA TERESA T				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
05/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/714,018
Filing Date: November 16, 2000
Appellant(s): KLOOR, HARRY THOMAS

Christopher R. Hilberg
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 16, 2009 appealing from the Office action mailed January 1, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,621,201	LANGHANS ET AL.	4-1997
6,529,725	JOAO ET AL.	3-2003
WO 96/32700	JONSTROMER	10-1996
5,845,267	RONEN	12-1998
5,748,783	RHOADS	5-1998

(9) Grounds of Rejection

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 53 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "wherein the user does not know the link between the authorization agent and the card" is not supported in the

specification. Examiner suggests Applicants to point out the support in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation "sending a notice to the user using the link by the authorization agent whether the user is using the card to conduct the transaction" is unclear. Is the sending a notice to the non-user?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42-43, 45-46, and 51-54 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,621,201 to Langhans et al.

Regarding **claim 42**, Langhans discloses a method for authorizing use of a card by a non-user (company) of the card, comprising: providing a card to a user, wherein the card is linked to a non-user of the card (col. 2, lines 2-11; col. 2, lines 59-64; col. 5, lines 34-52); using the card to conduct a transaction (col. 5, lines 53-60); and sending

electronically an authorization request from an authorization agent to anon-user of the card, wherein the authorization is a bank or an agent of the bank (col. 9, lines 58-67), approving the transaction if the non-user agrees with the transaction and denying the transaction by the authorization agent if the non-user disagrees (col. 9, line 59-67; col. 11, lines 32-45).

Regarding **claims 43 and 45-46**, Langhans discloses the card is linked electronically to the non-user (Figure 2; Figure 3; col. 2, lines 29-37); the non-user is an owner of the card (Figure 2; Figure 3; col. 2, lines 29-37); the card is a credit card (col. 2, lines 23-25).

Regarding **claims 51-54**, Langhans discloses employee and employer (Figure 2; Figure 3; col. 2, lines 29-37); the card can be only used for a predetermined purpose (col. col. 2, lines 29-48); providing an authorization agent to link the card to the non-user, and registering the link before the card is issued; and registering a link between the authorization agent and the user; sending a notice to the user using the

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 20-28, 30-33, 36-37, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529,725 to Joao et al. in view of PCT World Publication No WO 96/32700 to Jonstromer.

Regarding **claims 18, 20-28, 30-31, and 33**, Joao discloses a method for allowing an owner to approve a transaction comprising: acquiring contact information (database(s) 3H; see col. 16, lines 4-13; col. 6, lines 15-21; col. 31, lines 49-62); receiving a request to authorize (col. 6, lines 37-65), wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company (col. 13, lines 52-65); monitoring the owner and using the latest information to send the request to the owner (col. 10, lines 31-41); using the contact information to the send the request (col. 6, lines 37-65, col. 7, lines 18-40; col. 31, lines 49-62); and sending approval (col. 6, lines 37-65, col. 7, lines 18-40); credit card number; merchant approval request; an Online store; Internet; a Soft-card software to process request; personal communication device; entering an approval code; and providing a password [**claims 20-28, 30-31, 33**] (col. 10, lines 3-10; col. 67, col. 5, line 6; col. 5, lines 31-43; col. 13, lines 7-20; col. 7, lines 45-67; col. 16, liens 4-31; col. 42, lines 57-60).

Joao does not explicitly disclose receiving a request to authorize a transaction, subsequent to acquiring the contact information. Joao disclose the apparatus is designed or programmed to telephone the cardholder, account owner and cellular telephone owner at a primary phone number, at an alternate or forwarding phone number, and/or business phone number, send fax message, an electronic mail message, etc to, or for the card holder, account owner, and cellular telephone owner, to

ensure that best efforts are to be made to communicate with the desired individual as soon as possible (col. 10, lines 53-67).

Furthermore, Joao also discloses a database 3(H) which contains account information and data about the card holder accounts or owner and other information and data necessary to manage and process and account transaction (col. 16, lines 4-12).

Jonstromer, on the other hand, teaches the receiving a request to authorize a transaction, subsequent to acquiring the contact information (page 8, lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Joao, to include the receiving a request to authorize a transaction, subsequent to acquiring the contact information, as taught by Jonstromer, in order to authenticate and debit the account of the payer (Jonstromer, page 7, lines 1-3).

Regarding **claim 32**, Joao substantially discloses the claimed invention, however, it does not disclose the use of an e-signature for an agreement.

Jonstromer teaches the use of e-signatures (page 6, line 26-page 7, line4; page 8, lines 18-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Joao with e-signatures as taught by Jonstromer, because in order to authorize the use of the card (Jonstromer, page 8, line 7) so as to reduce the risk of fraud (Jonstromer, page 10, lines 16-17).

Regarding **claims 36-37**, Joao substantially discloses the claimed invention, however, it does not disclose requiring a PIN. Jonstromer discloses the PIN (page 8, lines 4-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Joao, to include the PIN, as taught by Jonstromer, in order to authorize the use of the card (Jonstromer, page 8, line 7) so as to reduce the risk of fraud (Jonstromer, page 10, lines 16-17).

Regarding **claim 56**, Joao discloses a method for parties to communication a transaction as set forth above in detail for claim 1.

Claims 19, 39, 40 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529,725 to Joao et al. and PCT World Publication No WO 96/32700 to Jonstromer and in further view of U.S. Patent No. 5,845,267 to Ronen.

Joao and Jonstromer substantially discloses the claimed invention, however, the combination does not explicitly disclose requiring Internet or IP address.

Ronen teaches IP address (col. 3, lines 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include IP address, as taught by Ronen, in order to provide a connection identifier that uniquely identifies the connection to the provider (Ronen col. 8, lines 37-38).

Claim 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao and Jonstromer in further view U.S. Patent No. 5,748,783 to Rhoads.

Joao and Jonstromer substantially discloses the claimed invention, however, the combination does not explicitly disclose the use of a digital watermark.

Rhoads teaches the use of digital watermarks (abstract; col. 14, lines 47-60; coll 15, lines 6-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination, to include digital watermarks, as taught by Rhoads, in order because digital watermarks add an additional level of security from fraud.

Claims 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao and Jonstromer and in further view of U.S. Patent No. 5,621,201 to Langhans et al.

Joao and Jonstromer substantially discloses the claimed invention, however, the combination does not explicitly disclose the owner includes other users that are authorized by the owner.

Langhans teaches the owner includes other users that are authorized by the owner (col. 2, lines 2-11; col. 2, lines 59-64; col. 5, lines 34-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the owner includes other users

that are authorized by the owner users, as taught by Langhans, in order to uncover fraudulent activities (Langhans col. 1, lines 59-60).

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Jonstromer as applied to claim 36 above, and further in view of Official Notice.

Joao and Jonstromer substantially disclose the claimed invention, however, the combination does not explicitly disclose that contact information is only established for a predetermined amount of time.

The Examiner takes Official Notice that is old and well known in the art to change PINs or passwords after a predetermined period of time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with changing PINs/passwords, because modifying PINs provides an additional level of security from fraud.

Claims 41 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,201 to Langhans et al. in view of U.S. Patent No. 6,529,725 to Joao et al.

Langhans discloses a method for verifying that an authorized entity is using a credit card, comprising: providing a predetermined purchase order information (col. 5, lines 2-3); receiving a request to authorize a transaction from a business with an actual purchase order (col. 5, lines 2-9); comprising the predetermined purchase order

information with the actual purchase order information (col. 5, lines 2-9; col. 11, lines 24-45; col. 12, lines 6-21). However, Langhans does not explicitly disclose Internet and password.

Joao, on the other hand, teaches Internet (col. 35, line 11) and password (col. 42, lines 57-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Langhans to include Internet and password, as taught by Joao, in order to provide unauthorized activities (Joao, col. 62-63) and global communication.

Claim 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,201 to Langhans et al. in view of U.S. Patent No. 5,845,267 to Ronen.

Langhans substantially discloses the claimed invention, however, Langhans does not explicitly disclose IP address.

Ronen teaches IP address (col. 3, lines 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include IP address, as taught by Ronen, in order to provide a connection identifier that uniquely identifies the connection to the provider (Ronen col. 8, lines 37-38).

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,201 to Langhans in view of PCT World Publication No WO 96/32700 to Jonstromer.

Langhans substantially disclose the claimed invention, however, it does not explicitly disclose an electronic wallet.

Jonstromer, on the other hand, teaches electronic wallet (page 8, lines 2-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Langhans, to include an electronic wallet, as taught by Jonstromer, in order to store important personal and account information in a secure and easy to use format.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,201 to Langhans in view of U.S. Patent No. 5,748,783 to Rhoads.

Langhans substantially disclose the claimed invention, however, it does not explicitly disclose a bar code.

Rhoads teaches the barcode (col. 55, lines 53-57; col. 57, lines 36-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Langhans, to include the barcode, as taught by Rhoads, because the barcode adds an additional level of security to reduce fraud.

(10) Response to Argument

Examiner notes that the Arguments pertaining to the rejection under 35 U.S.C. §102 and §103 are new and have never been discussed before.

Examiner further notes that there were no arguments pertaining to 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 112, second paragraph.

The Examiner has adopted the Appellants' outline format for use in addressing Appellants' arguments.

(A) CLAIM 18 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTROMER

Appellant remark that Joao and Jonstromer do not "teach or suggest monitoring the owner to determine the latest contact information or using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent". (Argument section, page 10, first paragraph)

Examiner does not agree. Joao discloses an apparatus which comprises a cardholder communication device which receives signals and/or data from either or both of the point-of-sale terminal and/or the central processing computer (col. 14, lines 18-21). Joao discloses the activation of the apparatus by obtaining a phone line and entering card information into the point of sale terminal in order to start a transaction (col. 17, lines 4-8). The central processing computer (authorization) processes the information and/or data pertinent to the transaction. The central processing computer process information and/or data in conjunction with the card account information to determined the status of the card account (col. 17, lines 14-25). The central processing computer transmits a signal and/or data to the communication device which is located at the cardholder (col. 18, lines 19-21). The information and/or data which is transmitted to the communication device includes information and/or data identifying the transaction

and may include the name of the store or the service provider and the amount of the transaction. The information and/or data may also provide the time of the transaction, the location (i.e. city, town, village, state, country etc.) of the transaction. The information and/or data may also include the phone number of the central processing office and/or computer servicing the account so that the cardholder may telephone, in order to authorize or cancel the transaction. (Col. 18, lines 30-40) The information and/or data which is transmitted from the central processing computer and received at the communication device are displayed to the cardholder on the display device of the communication device (col. 18, lines 44-47). The apparatus will wait for the cardholder to respond to the transmission. During this time, the cardholder may either utilize the reply or two-way pager feature on the communication device in order to either approve or authorize the transaction or disapprove of or void the transaction. The central processing computer will also receive the response if one is sent. (Col. 18, lines 55-61) (Figure 3A) Moreover, Joao discloses the providing of self- monitoring functions, automatic control and/or responses to occurrences, automatic notice of an occurrence and/or a situation, to an owner, user and/or authorized individual. A monitoring device, a triggering device and/or any other suitable device for detecting an occurrence and/or a transaction may warrant providing notice to the respective cardholder, account owner and/or cellular telephone owner. (Col. 10, lines 30-41) The apparatus is designed or programmed to telephone the cardholder, account owner and/or cellular telephone owner and/or authorized individual at a primary phone number, at an alternate or forwarding phone number, and/or at a business phone number, send a beeper or pager

message to the individual, and/or send a fax message, an electronic mail message, a voice mail message and/or answering service message to or for the card holder, account owner and/or cellular telephone owner or authorized individual so as to provide and to ensure that best efforts are to be made to communicate with the desired individual as soon as possible. (Col. 10, lines 53-67)

Such apparatus which comprises a cardholder communication device which receives signals and/or data from either or both of the point-of-sale terminal and/or the central processing computer; central processing computer processing the information and/or data pertinent to the transaction in conjunction with the card account information to determined the status of the card account; central processing computer transmits a signal and/or data to the communication device which is located at the cardholder; information and/or data which is transmitted to the communication device includes information and/or data identifying the transaction and may include the name of the store or the service provider and the amount of the transaction, and the phone number of the central processing office and/or computer servicing the account so that the cardholder may telephone in order to authorize or cancel the transaction; information and/or data which is transmitted from the central processing computer and received at the communication device are displayed to the cardholder on the display device of the communication device; self- monitoring functions, automatic control and/or responses to occurrences, automatic notice of an occurrence and/or a situation, to an owner, user and/or authorized individual; monitoring device, triggering device and/or any other suitable device for detecting an occurrence and/or a transaction may warrant providing

notice to the respective cardholder, account owner and/or cellular telephone owner; and apparatus is designed or programmed to telephone the cardholder, account owner and/or cellular telephone owner and/or authorized individual at a primary phone number, at an alternate or forwarding phone number, and/or at a business phone number, send a beeper or pager message to the individual, and/or send a fax message, an electronic mail message, a voice mail message and/or answering service message to or for the card holder, account owner and/or cellular telephone owner or authorized individual so as to provide and to ensure that best efforts are to be made to communicate with the desired individual as soon as possible are considered "monitoring the owner to determine the latest contact information or using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent".

(B) CLAIM 30 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTROMER

Appellant remarks that "nowhere does either the Joao reference or the Jonstromer reference provide any discussion whatsoever relating to Internet addresses". (Argument section, page 10, third paragraph (Section B))

Examiner does not agree. Examiner notes that every computer has an Internet address in order to communicate with other computers within a network. The Internet address, which is a number or name, identifies the computer uniquely among all the computers on the network, in order for a computer to exchange data and files or send and receive messages with other computers on the network. A computer can only

exchange data and files or send and receive messages to another computer if it knows that computer's Internet address. In Joao, an Internet address must be used to transmit data to the communication device of the cardholder (col. 18, lines 19-21). Joao discloses the communication device includes a personal computer, a telephone, a network computer, and a cellular telephone (col. 5, lines 7-11; col. 9, lines 13-25). Furthermore, Joao discloses the apparatus and method may provide a transmission of any appropriate signal from a transmitter to the card holder, account owner and/or cellular, telephone owner. The, signal utilized could be in the form of a communication transmission, depending upon the communication medium utilized, a telephone call, an electronic mail message, and/or any other mode of communication which is utilized with any of the apparatuses, devices and/or components. (Col. 10, lines 42-52) A transmitter for transmitting the first signal over a communication network directly to a communication device associated with an individual account holder (abstract).

Such transmitting data to the communication device of the cardholder; communication device includes a personal computer, a telephone, a network computer, and a cellular telephone; signal utilized could be in the form of a communication transmission, depending upon the communication medium utilized, a telephone call, and an electronic mail message; transmitting a signal over a communication network directly to an account holder; computers always having an Internet address in order to communicate with other computers within a network, thus to uniquely identifying the computer on the network are considered relating to Internet address.

Appellant remark that Joao, Jonstromer and Ronen do not "teach or suggest monitoring the owner to determine the latest contact information or using the latest contact information is an Internet address, where the owner is conducting the transaction". (Argument section, page 11, first paragraph)

Examiner directs Appellant's attention to the discussions above.

(C) CLAIM 36 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTROMER

Appellant remarks that Joao and Jonstromer "do not teach, suggest or other wise render obvious at least the claimed step of providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site". (Argument section, page 12, third paragraph)

Examiner does not agree. The combination of Joao and Jonstromer teaches or suggests the recitation above. Joao teaches the communication device is utilized to change a personal identification number or access code (claim 132). The personal identification number and access code can be specified and programmed to be changed and provide for various personal identification numbers and/or access codes for different locations, different days, different times and/or different transaction amounts (col. 42, lines 56-62) Jonstromer teaches an electronic transaction terminal comprising a smart card and mobile phone operating in combination (page 7, lines 18-20). When a transaction is to be initiated, the smart card which holds cash credits and acts as an electronic wallet, is inserted into the mobile phone. The user enters his PIN and a

phone number for the payee's electronic bill together with an amount to be transferred.
(Page 8, lines 1-6)

Such communication device which is utilized to change a personal identification number or access code; personal identification number and access code can be specified and programmed to be changed and provide for various personal identification numbers and/or access codes for different locations, different days, different times and/or different transaction amounts; and transaction initiated by the user entering his PIN are considered "providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site".

(D) CLAIM 37 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTROMER

Appellant remarks that "nowhere does either the Joao reference or the Jonstromer reference provide discussion whatsoever relating to provide a PIN to establish a different contact information to the remote site where the remote site is away from the owner's home". (Argument section, page 13, second paragraph)

Examiner does not agree. The combination of Joao and Jonstromer teaches or suggests the recitation above. Joao teaches the communication device is utilized to change a personal identification number or access code (claim 132). The personal identification number and access code can be specified and programmed to be changed and provide for various personal identification numbers and/or access codes for different locations, different days, different times and/or different transaction amounts

(col. 42, lines 56-62) Jonstromer teaches an electronic transaction terminal comprising a smart card and mobile phone operating in combination (page 7, lines 18-20). When a transaction is to be initiated, the smart card which holds cash credits and acts as an electronic wallet, is inserted into the mobile phone. The user enters his PIN and a phone number for the payee's electronic till together with an amount to be transferred. (Page 8, lines 1-6) Furthermore, Jonstromer teaches that the electronic transaction terminal can be used to conduct local electronic credit transfer in a shop or restaurant, payment for a parking fee at an unattended car lot or parking meter (page 10, lines 18-22).

Such communication device which is utilized to change a personal identification number or access code; personal identification number and access code can be specified and programmed to be changed and provide for various personal identification numbers and/or access codes for different locations, different days, different times and/or different transaction amounts; and electronic transaction terminal can be used to conduct local electronic credit transfer in a shop or restaurant, payment for a parking fee at an unattended car lot or parking meter are considered "to establish a different contact information to the remote site where the remote site is away from the owner's home".

(E) CLAIM 38 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTROMER AND OFFICIAL NOTICE

Appellant remarks that "nowhere does either the Joao reference or the Jonstromer reference provide any discussion whatsoever relating to different contact

information only established for a predetermined amount of time". (Argument section, page 14, second paragraph)

Examiner does not agree. The combination of Joao and Jonstromer teaches or suggests the recitation above. Joao teaches the apparatus may determine if the cardholder has made a reply or response with a pre-defined time limit (col. 6, lines 53-55). The central processing computer determines if the cellular telephone owner's response was made within a pre-defined time period. If the cellular telephone owner did not reply or response within the pre-defined time limit the central processing unit will increment the unauthorized transaction count by one. The central processing computer will then, depending upon pre-defined instruction of the cellular telephone owner either allows the telephone call to continue or terminate the telephone call or terminate the telephone call immediately. The telephone call to continue or terminate the telephone call is made by the cellular telephone computer. The central processing computer will then cancel and/or deactivates the cellular telephone. The central processing unit will notify the cellular telephone owner that the cellular telephone number or account has been canceled and/or deactivated. Upon completion, the apparatus will cease operation. (Col. 33, lines 39-55).

Such apparatus may determining if the cardholder has made a reply or response with a pre-defined time limit; central processing computer determining if the cellular telephone owner's response was made within a pre-defined time period; central processing computer will then, depending upon pre-defined instruction of the cellular telephone owner either allow the telephone call to continue or terminate the telephone

call or terminate the telephone call immediately; telephone call to continue or terminate the telephone call is made by the cellular telephone computer; central processing computer will then cancel and/or deactivates the cellular telephone; central processing unit will notify the cellular telephone owner that the cellular telephone number or account has been canceled and/or deactivated are considered "different contact information only established for a predetermined amount of time".

(F) CLAIM 56 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTROMER

Appellant remarks that Joao and Jonstromer does not "teach, suggest, or otherwise render obvious approving the transaction if all of the parties to the transaction approve of the authorization request or disapproving the transaction if any of the parties of the transaction disapprove of the authorization request". (Argument section, page 16, first paragraph)

Examiner does not agree. Joao discloses the apparatus comprises a central processing computer which services any predefined group of cellular telephones or cellular communication devices. The central processing computer can handle all cellular telephone accounts for a given telecommunication company and/or area. The central processing computer can process and maintain records of cellular telephone accounts and/or cellular telephone owners. (Col. 29, lines 25-35) Joao teaches the cellular telephone serves as a transaction terminal (col. 9, lines 26-28). Joao further teaches the method of monitoring the number of cellular or mobile telephone

transactions which are unauthorized by the cellular or mobile telephone owner and to determine whether or not a central processing computer should cancel or de-activate the cellular telephone (col. 9, lines 58-63).

Such central processing computer which services any predefined group of cellular telephones or cellular communication devices; central processing computer can handle all cellular telephone accounts for a given telecommunication company and/or area; central processing computer can process and maintain records of cellular telephone accounts and/or cellular telephone owners; cellular telephone serves as a transaction terminal; and method of monitoring the number of cellular or mobile telephone transactions which are unauthorized by the cellular or mobile telephone owner and to determine whether or not a central processing computer should cancel or de-activate the cellular telephone are considered "approving the transaction if all of the parties to the transaction approve of the authorization request or disapproving the transaction if any of the parties of the transaction disapprove of the authorization request".

(G) CLAIM 39 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTROMER AND RONEN

Appellant remarks that "neither Joao nor Jonstromer provide any discussion whatsoever relating to Internet addresses". ". (Argument section, page 18, paragraph 1) Furthermore, Appellant remarks neither Joao, Jonstromer and Ronen teach or suggest "monitoring the latest Internet address where the authorized entity is visiting

through the Internet..."; "receiving a request to authorize a transaction from an Online business with a corresponding Internet address..."; "comparing the latest Internet address with the corresponding Internet address from the Online business..."; and sending an approval "if the Internet addresses match" or sending a non-approval "if the Internet addresses do not match". (Argument section, page 18, paragraph 2)

Examiner does not agree. Examiner notes that every computer has an Internet address in order to communicate with other computers within a network. The Internet address, which is a number or name, identifies the computer uniquely among all the computers on the network, in order for a computer to exchange data and files or send and receive messages with other computers on the network. A computer can only exchange data and files or send and receive messages to another computer if it knows that computer's Internet address. In Joao, an Internet address must be used to transmit data to the communication device of the cardholder (col. 18, lines 19-21). Joao discloses the communication device includes a personal computer, a telephone, a network computer, and a cellular telephone (col. 5, lines 7-11; col. 9, lines 13-25). Joao teaches that personal communication service systems and devices, including stationary, portable and/or handheld devices and digital signal communications systems and devices are also utilized (col. 10, lines 17-20). Furthermore, Joao discloses the apparatus and method may provide a transmission of any appropriate signal from a transmitter to the card holder, account owner and/or cellular, telephone owner. The, signal utilized could be in the form of a communication transmission, depending upon the communication medium utilized, a telephone call, an electronic mail message,

and/or any other mode of communication which is utilized with any of the apparatuses, devices and/or components. (Col. 10, lines 42-52) A transmitter for transmitting the first signal over a communication network directly to a communication device associated with an individual account holder (abstract). The Examiner then cites Ronen to further teach the Internet addresses. Ronen teaches the billing for transactions conducted by a user through a terminal connected on a private Intranet with an ISP on the Internet which is affected by using the Connection ID to identify the particular connection established between the Firewall Gateway and the particular merchant ISP (col. 2, lines 26-31). The relationship between this Connection ID and IP address is transmitted to and received and stored by a Session Manager connected within the private Intranet network. The same Session Manager also receives and stores the relationship between the user's terminal IP address and the user's identity which is provided to the Session Manager when the user initiates a connection on the Intranet. (Col. 2, lines 36-41) The Connection ID comprises IP addresses associated with each end of the connection (col. 8, lines 66-67). When the user attempts to conduct a transaction with a merchant ISP on the public internet, a Billing Platform is queried by the merchant ISP before the transaction is effected. The Billing Platform uses the Connection ID associated with the particular connection over which the request for service, information, is being made, queries the Session Manager. The Session Manager thereupon translate that Connection ID to a corresponding IP address which, in turn, is translated into a user's ID from which the user's account is accessed at the Billing Platform. Once that user's account is accessed, authorization to proceed with the

transaction is transmitted to the merchant ISP, which then completes the transaction.
(Col. 2, lines 41-54)

Such the billing for transactions conducted by a user through a terminal connected on a private Intranet with an ISP on the Internet which is affected by using the Connection ID to identify the particular connection established between the Firewall Gateway and the particular merchant ISP; relationship between the Connection ID and IP address is transmitted to and received and stored by a Session Manager connected within the private Intranet network; Session Manager which also receives and stores the relationship between the user's terminal IP address and the user's identity which is provided to the Session Manager when the user initiates a connection on the Intranet; Connection ID which comprises IP addresses associated with each end of the connection; user attempting to conduct a transaction with a merchant ISP on the public internet, a Billing Platform is queried by the merchant ISP before the transaction is effected; Billing Platform uses the Connection ID associated with the particular connection over which the request for service, information, is being made, queries the Session Manager; Session Manager thereupon translate that Connection ID to a corresponding IP address which, in turn, is translated into a user's ID from which the user's account is accessed at the Billing Platform; accessing the user's account, authorization to proceed with the transaction is transmitted to the merchant ISP, which then completes the transaction are considered "monitoring the latest Internet address where the authorized entity is visiting through the Internet..."; "receiving a request to authorize a transaction from an Online business with a corresponding Internet

address..."; "comparing the latest Internet address with the corresponding Internet address from the Online business..."; and sending an approval "if the Internet addresses match" or sending a non-approval "if the Internet addresses do not match".

(H) CLAIM 40 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTROMER AND RONEN

Appellant remarks that Joao, Jonstromer and Ronen do not teach, suggest of otherwise render obvious "monitoring whether an entity is still logged on to the Internet or not approving any transaction authorization request if the entity has logged off".

(Argument section, page 20, paragraph 1)

Examiner does not agree. Joao discloses a method for providing authorization in financial transaction and/or in wireless communications transactions which is programmable with respect to authorized times usage, such as specific days, dates, time of day, time of month, and/or any other limitations regarding amount transaction limitations, parties involved, and/or location of allowed usage (col. 12, lines 9-16). Furthermore, Joao teaches the apparatus may determine if the cardholder has made a reply or response with a pre-defined time limit (col. 6, lines 53-55). The central processing computer determines if the cellular telephone owner's response was made within a pre-defined time period. If the cellular telephone owner did not reply or response within the pre-defined time limit the central processing unit will increment the unauthorized transaction count by one. The central processing computer will then, depending upon pre-defined instruction of the cellular telephone owner either allows the

telephone call to continue or terminate the telephone call or terminate the telephone call immediately. The telephone call to continue or terminate the telephone call is made by the cellular telephone computer. The central processing computer will then cancel and/or deactivates the cellular telephone. The central processing unit will notify the cellular telephone owner that the cellular telephone number or account has been canceled and/or deactivated. Upon completion, the apparatus will cease operation. (Col. 33, lines 39-55).

Such providing authorization in financial transaction and/or in wireless communications transactions which is programmable with respect to authorized times usage, such as specific days, dates, time of day, time of month, and/or any other limitations regarding amount transaction limitations, parties involved, and/or location of allowed usage; apparatus determining if the cardholder has made a reply or response with a pre-defined time limit; central processing computer will then, depending upon pre-defined instruction of the cellular telephone owner either allow the telephone call to continue or terminate the telephone call or terminate the telephone call immediately; telephone call to continue or terminate the telephone call is made by the cellular telephone computer; central processing computer will then cancel and/or deactivates the cellular telephone; and central processing unit notifying the cellular telephone owner that the cellular telephone number or account has been canceled and/or deactivated are considered "monitoring whether an entity is still logged on to the Internet or not approving any transaction authorization request if the entity has logged off".

(I) CLAIM 41 IS PATENTABLE OVER LANGHANS ET AL. IN VIEW OF JOAO ET AL.

Appellant remarks that Langhans and Joao do not teach, suggest or otherwise render obvious "providing a predetermined purchase order information about a transaction and receiving a request to authorize a transaction from an Online business with an actual purchase order information, wherein the request is received by an authorization agent. Then, the predetermined purchase order information [is compared] with the actual purchase order information from the Online business" and approval is sent from the authorization agent to the Online business if the predetermined purchase order information and the actual purchase order information match or non-approval is sent from the authorization agent to the Online business if the predetermined purchase order information and the actual purchase order information do not match." (Argument section, page 21, paragraphs 1-2)

Examiner does not agree. Langhans discloses a company's purchasing control system with a credit card authorization system to produce real-time purchasing authorization and control system. The software and databases are structured to provide an automated electronic implementation of company limits and business approval processes, with a hierarchical structure, while approving or disapproving purchase by employees in real-time at the time of purchase. (Col. 2, lines 29-37) Langhans further discloses a company to group merchant category in order to limit purchases to those merchant types which would be need by a particular department or individual (col. 2, lines 40-43). An approved vendor list feature provides companies with the capability to

create an approved vendor list to restrict and consolidate spending to specific merchants. Based on a comparison of the vendor data stored in an electronic approved vendor list and the merchant information transmitted from the point-of-sale in the authorization request, a purchase will be approved if the merchant data in the authorization request matches vendor information on the approved vendor list, or it will be declined if there is no match. (Col. 2, lines 49-58) Langhans also discloses requisition and purchase orders subsequent to the time of actual purchase (col. 5, lines 2-3). The Examiner cites Joao for teaching the Internet and password.

Such company's purchasing control system with a credit card authorization system to produce real-time purchasing authorization and control system; software and databases are structured to provide an automated electronic implementation of company limits and business approval processes, with a hierarchical structure, while approving or disapproving purchase by employees in real-time at the time of purchase; company to group merchant category in order to limit purchases to those merchant types which would be need by a particular department or individual; approved vendor list feature which provides companies with the capability to create an approved vendor list to restrict and consolidate spending to specific merchants; comparison of the vendor data stored in an electronic approved vendor list and the merchant information transmitted from the point-of-sale in the authorization request, a purchase will be approved if the merchant data in the authorization request matches vendor information on the approved vendor list, or it will be declined if there is no match; and requisition and purchase orders subsequent to the time of actual purchase are considered

"providing a predetermined purchase order information about a transaction and receiving a request to authorize a transaction from an Online business with an actual purchase order information, wherein the request is received by an authorization agent. Then, the predetermined purchase order information [is compared] with the actual purchase order information from the Online business" and approval is sent from the authorization agent to the Online business if the predetermined purchase order information and the actual purchase order information match or non-approval is sent from the authorization agent to the Online business if the predetermined purchase order information and the actual purchase order information do not match."

(J) CLAIM 42 IS PATENTABLE OVER LANGHANS ET AL.

Appellant remarks that Langhans fails to disclose "approving the transaction by the authorization agent if the non-user agrees with the transaction made by the user" and "denying the transaction by the authorization agent if the non-user does not agree with the transaction made by the user". (Argument section, page 23, first paragraph)

Examiner does not agree. Langhans discloses a company's purchasing control system with a credit card authorization system to produce a real-time purchasing authorization and control system. The software and databases are structured to provide an automated electronic implementation of company limits and business approval processes, with a hierarchical structure, while approving or disapproving purchases by employees in real-time at the time of purchase. (Col. 2, lines 30-36) The system uses credit cards which have encoded on them unique card number. This card number

would include the individual account number, plus a bank identification number (BIN) which identifies the card as one designated for a purchasing control system. When user makes a purchase and the merchant passes the card through a point-of-sale (POS) device or terminal, the card number is transmitted over a credit card authorization system to a remote central computer. The computer will detect the BIN number is one indicating a purchasing control system and direct the authorization request to the centralized purchasing control computer system. This system will then look up the account number and identify the hierarchial position of the account number. The appropriate tests for that account number will be identified and applied. After the tests are performed, the computer will, depending upon the company's customized programming, generate a signal indicating the authorization request is either allowed or denied. (Col. 2, line 59-col. 3, line 13)

Such company's purchasing control system with a credit card authorization system to produce a real-time purchasing authorization and control system; software and databases which are structured to provide an automated electronic implementation of company limits and business approval processes, with a hierarchial structure, while approving or disapproving purchases by employees in real-time at the time of purchase; credit card which includes an individual account number plus BIN number that identifies the card as one designated for a purchasing control system; when a user makes a purchase, the computer will detect the BIN number which indicates a purchasing control system and direct the authorization request to the centralized purchasing control computer system; appropriate tests for that account number is identified applied,

wherein after tests are performed, the computer will depending upon the company's customized programming, will generate a signal indicating the authorization request is either allowed or denied are considered "approving the transaction by the authorization agent if the non-user agrees with the transaction made by the user" and "denying the transaction by the authorization agent if the non-user does not agree with the transaction made by the user".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Marissa Thein/
Examiner, Art Unit 3627

Conferees:

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627

Vincent Millin /vm/

Appeal Conference Specialist